

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

NATIONAL LIABILITY & FIRE	§	
INSURANCE COMPANY,	§	
Plaintiff	§	
	§	
V.	§	
	§	
ZAVALA PLUS LLC, CARMEN	§	CIV. A. NO. 3:19-CV-1261-S
HERNANDEZ, JOSE HERNANDEZ,	§	
ELIGIO SILVA, MARICELA SILVA, AND	§	
MARIA SOLEDAD VARELA DE LOPEZ,	§	
Defendants.	§	

**NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE AS TO ALL
DEFENDANTS**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff National Liability & Fire Insurance Company ("Plaintiff") hereby files this Notice of Voluntary Dismissal Without Prejudice as to all Defendants, and state as follows:

1. On May 24, 2019, Plaintiff filed its Original Complaint for a declaratory judgment regarding Plaintiff's duty to defend and indemnify its insured, Defendant Zavala Plus LLC, related to a January 7, 2019 single-vehicle bus accident that occurred in Mexico and claims asserted in a lawsuit by passengers of the bus in federal court in Kansas. *See* Doc. 1. On June 24, 2019, Plaintiff filed its First Amended Complaint. *See* Doc. 7.

2. After filing the lawsuit, Plaintiff learned that the Kansas litigation was subsequently dismissed. As of the date of the filing, Defendant Zavala Plus LLC confirmed that it is not currently aware of the Kansas litigation being re-filed nor currently aware of any claims that it intends to tender to Plaintiff for a defense and/or indemnity related to the above-referenced bus accident.

3. None of the Defendants have served an answer or motion for summary judgment.
See FED. R. CIV. P. 41(a)(1)(A)(i).

4. Given these subsequent developments, Plaintiff voluntarily dismisses without prejudice all claims, demands, or causes of action asserted against Defendants in Plaintiff's First Amended Complaint under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

Respectfully submitted,



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**ATTORNEYS FOR PLAINTIFF
NATIONAL LIABILITY & FIRE INSURANCE
COMPANY**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon counsel for Defendant Zavala Plus, LLC on this 24th day of October 2019, at the following address:

VIA CM/ECF

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